

FILED

JUN 19 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE	:	
LICENSE OF	:	Administrative Action
	:	
DENISE M. ROMAIN, R.N.	:	
License NO. 26NO09813100	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Denise M. Romaine (Respondent) is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about January 24, 2013, the Board sent Respondent a letter inquiring about an arrest for shoplifting on January 15, 2013. The letter was sent to Respondent's address of record, and, inter alia, asked for a copy of the summons/complaint relating to the arrest, a narrative statement setting forth the facts and circumstances relating to the arrest, a copy of the court's judgment, and certificates of

completion for nursing continuing education taken within the last three years.

3. Although Respondent, through her attorney, provided a copy of the complaint, and later advised the Board that she entered a guilty plea to loitering, Respondent did not provide documentation of completion of required continuing education, nor did she provide a narrative statement setting forth the facts and circumstances that led to the arrest.

4. On Respondent's renewal application submitted on May 9, 2012, Respondent indicated that she would have completed her continuing education obligation for 2010-2012 by May 31, 2012.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to all the questions in the Board's letter of inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3.

Respondent's failure to demonstrate timely completion of the continuing education obligation for the June 1, 2010 - May 31, 2012 renewal cycle constitutes a violation of N.J.A.C. 13:37-5.3, and subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(h).

Respondent's indication that she would have timely completed the 2010-2012 continuing education requirements, when she did not complete the continuing education requirements

constitutes misrepresentation or deception within the intendment of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing a civil penalty, reprimand, and suspending Respondent's license to practice as a registered nurse in the State of New Jersey was entered on October 28, 2013. A copy was served on Respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

In response to the Provisional Order of Discipline, Respondent provided replies to the unanswered questions on the Board's letter of inquiry, including a narrative statement setting forth the facts and circumstances that led to her arrest on January 15, 2013. Respondent maintained that the incident occurred at a time when she was in the midst of recovery from a serious medical condition. Respondent also provided

documentation indicating that she is currently on Social Security Disability due to her serious medical problems and is still unable to work. Additionally, Respondent provided evidence that she had successfully completed thirty (30) contact hours of continuing education, albeit out of time, during November 2013.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. As Respondent fully replied to the Board's letter of inquiry and provided the Board with documentation showing that she completed 30 hours of continuing education which may be applied to cure the deficiency of the 2010 - 2012 renewal period, the Board determined that suspension is no longer warranted. However, as Respondent did not timely complete her continuing education requirement during the required time period and indicated on her renewal that she had, the Board finds imposition of the two hundred and fifty dollar (\$250) civil penalty and reprimand justified. Similarly, Respondent's failure to fully respond to the Board's original inquiry, thereby necessitating the filing of a Provisional Order of Discipline, and review of Respondent's reply months later warrants imposition of the five hundred (\$500) civil penalty.

ACCORDINGLY, IT IS on this 19th day of June, 2014.
ORDERED that:

1. A reprimand is hereby imposed for Respondent's provision of inaccurate information on her renewal application in 2012.

2. A total penalty amount of seven hundred and fifty dollars (\$750) is hereby imposed (five hundred dollar (\$500) civil penalty for Respondent's initial failure to cooperate and two hundred and fifty dollar (\$250) civil penalty for failure to timely complete continuing education). Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and forwarded to the attention of George Hebert, R.N., Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6th Floor, Newark, NJ 07101, within fifteen days of the filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education applied to cure the deficiency of a previous biennial period (make-up courses) shall not be used to satisfy the requirements of a biennial period during which the make-up courses are taken.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy PLD APRN, FAAN
Patricia Ann Murphy, PhD, APN
Board President